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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,396	09/24/2001	Stephen McCann	3036/50289	5628

7590 09/21/2007
Crowell & Moring L.L.P.
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P.O. Box 14300
Washington, DC 20044-4300

EXAMINER

WILLIAMS, JEFFERY L

ART UNIT	PAPER NUMBER
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2137

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

This is a decision on the petition filed August 15, 2007 under 37 CFR § 1.181 to invoke Supervisory Authority of the Commissioner and require the Examiner to withdraw the finality of the rejection mailed August 10, 2007.

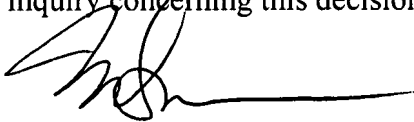
This petition has been filed without a request for reconsideration and an affirmation by the examiner that the application should be final. As such this petition is premature and is being treated as a request for reconsideration. See 37 CFR § 1.181(c).

In the request, Applicant's counsel alleged that the finality of the office action was improper because the action introduced new grounds of rejection in the Final Office Action that was neither necessitated by applicant's amendment of the claims nor based on information submitted in an Information Disclosure Statement.

A review of the file indicates that no IDS was submitted to cause the new grounds of rejection and that the amendment filed does not justify the new grounds of rejection, therefore the finality of the office action is improper and hereby withdrawn.

The period for response to the now non-final office action continues to run from August 10, 2007.

Any inquiry concerning this decision should be directed to Tod Swann at (571) 272-3612.



Tod Swann
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